

Price Order No. 475 (Tomatoes)

PURSUANT to the powers conferred on it by the Control of Prices Emergency Regulations 1939,\* the Price Tribunal, acting with the authority of the Minister of Industries and Commerce, doth hereby make the following Price Order:—

PRELIMINARY

1. This Order may be cited as Price Order No. 475, and shall come into force on the 14th day of January, 1946.
2. (1) Price Orders No. 177†, No. 217‡, and No. 305§ are hereby revoked.
- (2) The revocation of the said Orders shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this Order.
3. (1) In this Order, unless the context otherwise requires,—

“The said regulations” means the Control of Prices Emergency Regulations 1939\*:  
 “Commercial user” means a canner, or a manufacturer of condiments, or any person engaged in the business of processing or compounding tomatoes:  
 “Half-case”, in relation to tomatoes, means a case of the kind numbered 6 or 8 in the First Schedule to the New Zealand-grown Fruit Regulations 1940||:  
 “Quarter-case”, in relation to tomatoes, means a case of the kind numbered 7 or 9 in the said First Schedule:  
 “Tomatoes” means all produce commonly known as tomatoes, other than the produce known as tree tomatoes.

(2) Terms and expressions defined in the said regulations when used in this Order have the meanings severally assigned thereto by those regulations.

APPLICATION OF THIS ORDER

4. (1) This Order applies with respect to all tomatoes grown in New Zealand (whether grown outdoors or otherwise) and sold for human consumption, except where such sale is to a commercial user.
- (2) Every sale of any such tomatoes shall be deemed to be a sale for human consumption unless at the time of the sale there is a *bona fide* agreement or stipulation between the buyer and the seller that the tomatoes to which the sale relates are intended for a specific purpose other than human consumption.
5. The maximum prices fixed by this Order apply with respect to sales by auction, as well as to other sales.
6. The provisions of this Order fixing prices by reference to the weight of the tomatoes to which any sale relates shall apply notwithstanding that in any such case the seller may sell or purport to sell otherwise than by weight.
7. The wholesale prices fixed by this Order apply with respect to sales of the following classes, namely:—
  - (a) Sales to retailers (whether made by the grower or any other person); and
  - (b) Sales to users in any case where a lot of not less than 2 cwt. of tomatoes to which this Order applies is sold to any one purchaser for delivery at any one time.

MAXIMUM WHOLESALE PRICES

8. (1) Subject to the provisions of this clause and to the provisions of clause 10 hereof the maximum wholesale price of any tomatoes to which this Order applies shall be at the rate of the appropriate wholesale price prescribed in the Schedule hereto.
- (2) The wholesale prices prescribed in the Schedule hereto are fixed as for delivery at the wholesaler's store or other premises from which delivery to the purchaser is effected.
- (3) Where delivery is effected by a wholesaler elsewhere than at premises occupied by him he may add to the appropriate price fixed in accordance with the Schedule hereto the reasonable cost of delivery, not exceeding in any case the cost that would have been incurred by him if delivery had been effected by a common carrier at current freight rates.

MAXIMUM RETAIL PRICES

9. (1) Subject to the provisions of this clause and to the provisions of clause 10 hereof the maximum retail price of any tomatoes to which this Order applies shall not exceed a price at the rate of a price per pound equal to the sum of the following amounts:—
  - (a) The price per pound actually paid or payable by the retailer for the tomatoes:
  - (b) Any transport charges (up to and including 9d. in the case of a half-case or up to and including 6d. in the case of a quarter-case) actually paid or payable by the retailer:
  - (c) An amount equal to 40 per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof.
- (2) The retail price of any tomatoes, computed in accordance with the last preceding subclause, shall be calculated by reference to the prices and weights disclosed in the appropriate invoices.
- (3) Notwithstanding anything to the contrary in the foregoing provisions of this clause, but subject to the provisions of subclause (4) of this clause and to the provisions of clause 10 hereof, the maximum retail price of any tomatoes to which this Order applies shall not in any case exceed a price at the rate of the appropriate price prescribed in the Schedule hereto.
- (4) Where the transport charges incurred by any retailer in obtaining delivery of any tomatoes to which this Order applies from the source of supply that is nearest or most convenient of access to him exceed 9d. in the case of a half-case or 6d. in the case of a quarter-case, the retail price determined in accordance with subclause (1) of this clause and the maximum retail price specified in the Schedule hereto may each be increased in accordance with the following scale:—

Where the transport charges are—			
More than 9d. in the case of a half-case but not more than 1s. 6d.	..	..	..
More than 6d. in the case of a quarter-case but not more than 1s.	..	..	..
More than 1s. 6d. in the case of a half-case	..	..	..
More than 1s. in the case of a quarter-case	..	..	..
			} By ½d. per pound.
			} By 1d. per pound.

- (5) If in respect of any lot of tomatoes sold by a retailer the maximum price calculated in accordance with the provisions of this order is not an exact number of pence or half-pence, the maximum price of the lot shall be computed to the nearest upward halfpenny.
10. Notwithstanding anything in the provisions of this Order and subject to such conditions, if any, as it thinks fit, the Tribunal, on application by any wholesaler or retailer, may authorize special maximum wholesale or retail prices in respect of any tomatoes to which this Order applies where for any reason extraordinary charges (freight or otherwise) are incurred by the wholesaler or retailer. Any authority given by the Tribunal under this clause may apply with respect to a specified lot or consignment of tomatoes or may relate generally to all tomatoes to which this Order applies sold by the wholesaler or retailer while the approval remains in force.

DUTIES IMPOSED ON RETAILERS

11. Every retailer who offers or exposes for sale any tomatoes to which this Order applies shall keep for a period of not less than two months a record showing with respect to every purchase of such tomatoes made by him by way of wholesale the following particulars:—
  - (a) The date of purchase:
  - (b) The name and address of the wholesaler from whom purchased:
  - (c) The trade description of the tomatoes purchased:
  - (d) The number of cases purchased:
  - (e) The price paid.
12. Every retailer who offers or exposes for sale in any shop any tomatoes to which this Order applies shall keep in a prominent position, in such proximity to the tomatoes to which it relates as to be obviously descriptive thereof, a ticket, placard, or label on which shall be stated in legible and prominent characters the retail price per pound of the tomatoes.

\* Statutory Regulations 1939, Serial number 1939/275, page 1057. † Gazette, 25th November, 1943, Vol. III, page 1414. ‡ Gazette, 5th April, 1944, Vol. I, page 349. § Gazette, 25th January, 1945, Vol. I, page 58. || Statutory Regulations 1940, Serial number 1940/195, page 621.